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VIA ECF

Honorable Judge I. Leo Glasser
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Timoshenko v. Mullooly, Jeffrey, Rooney & Flynn, LLP; 17-cv-04472 (ILG)(ST)

To the Honorable Judge Glasser,

On April 19, 2018, the Court entered an Order stating that Mr. Cohen's limited role in this case is not sanctionable and that, accordingly, he need not appear at the upcoming hearing regarding potential sanctions and attorney's fees. Nevertheless, on April 20, 2018, Mr. Arleo again contended that the Court rule otherwise.

In his latest attack, Mr. Arleo argues that the undersigned has, in fact, recently brought a frivolous lawsuit in *Kolbasyuk*. However, as opposed to *Timoshenko* which alleged a 1692e violation, *Kolbasyuk* dealt with 1692g. Granted, the Court ruled against Plaintiff in that matter. However, even Judge Cogan did not deem Plaintiff's case frivolous there, as a losing decision does not by itself render a matter frivolous. In fact, Judge Brodie recently ruled in Plaintiff's favor on the same allegations. See *Polak v. Kirschenbaum & Phillips, P.C.*, 17CV1795MKBPK, 2018 WL 1187400, at *1 (E.D.N.Y. Mar. 6, 2018). Clearly, then, the allegations in *Kolbasyuk* were not frivolous.

This whole ordeal has caused much disruption to the undersigned's practice and Mr. Arleo will clearly not relent. As Your Honor has already twice ordered that the undersigned need not show cause, it is now requesting that if Mr. Arleo continues to defy the Courts order in attempting to get the undersigned sanctioned, that the Court entertain an application for its fees associated with otherwise having to continuously defend itself here.

Respectfully submitted,

/s/ Daniel Cohen
Daniel Cohen, Esq.